

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

ELBY SHARON,

Plaintiff,

v.

DIPIAZZA AND SONS INC., *et al.*,

Defendants.

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Case Number: 07-14253

Hon. Arthur J. Tarnow

Magistrate Judge: R. Steven Whalen

**ORDER GRANTING PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT  
JUDGMENT IN THE AMOUNT OF \$11,000**

Before the Court is Plaintiff's Motion for Entry of Default Judgment [DE 24], against Defendant Dipiazza & Mowett, Inc., filed pursuant to Fed. R. Civ. P. 55.

A clerk's entry of default was entered against Defendant Dipiazza & Mowett, Inc., on December 10, 2007. Defendant did not respond. This Court entered default judgment against Defendant Dipiazza & Mowett on May 29, 2008, but ordered Plaintiff to show cause as to his entitlement to amount of \$11,000.

"Where damages are unliquidated a default admits only defendant's liability and the amount of damages must be proved." *Antoine v. Atlas Turner, Inc.* 66 F.3d 105, 110 (6th Cir. 1995) (citing *Fehlhaber v. Fehlhaber*, 681 F.2d 1015, 1026 (5th Cir.1982) (*en banc*), *cert. denied*, 464 U.S. 818 (1983); *Kelley v. Carr*, 567 F.Supp. 831, 841 (W.D.Mich.1983)). Plaintiff has responded to the Court's show cause order with title history and an affidavit, and has thus demonstrated the amount of damages.

The Court being satisfied that the requirements for a default judgment in the amount of \$11,000 have been met,

IT IS HEREBY ORDERED that Judgment is entered in the amount of \$11,000.

SO ORDERED.

S/ARTHUR J. TARNOW

Arthur J. Tarnow

United States District Judge

Dated: June 26, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on June 26, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR

Case Manager